

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THERMO FINNIGAN LLC,

Plaintiff and  
Counterclaim-Defendant,

v.

APPLERA CORPORATION,

Defendant and  
Counterclaim-Plaintiff.

Civil Action No. 04-1505-GMS

**NOTICE OF DEPOSITION OF THERMO FINNIGAN LLC  
PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Applera Corporation ("Applera"), through their attorneys, will take deposition upon oral examination of Thermo Finnigan LLC ("Thermo"), commencing on January 25, 2006, beginning at 9:00 a.m., and continuing from day to day thereafter until completed, at the at the law offices of Kenyon & Kenyon, One Broadway, New York, NY 10004, or at such other time and place as may be mutually agreed upon by the parties. The deposition will be taken before a notary public or other officer duly authorized to administer oaths and take testimony, and will be recorded by stenographic means. The deposition may be audiotaped and/or videotaped.

In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, Thermo is hereby notified of its obligation to designate one or more officers, directors, or managing agents, or other persons who consent to testify on Thermo's behalf with respect to the matters set forth

on the attached Schedule A. The person(s) so designated shall be required to testify as to each of those matters known or reasonably available to Thermo.

The Definitions and Instructions set forth in Applera's *First Set of Requests of Documents Requests Directed to Plaintiff (Nos. 1-104)* shall apply to this notice as if fully set forth herein.

January 5, 2006



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Applera Corporation*

**SCHEDULE A**

**MATTERS ON WHICH EXAMINATION IS REQUESTED**

1. The business/corporate relationships (past and present) between or among Plaintiff and (a) Thermo Separation Products, (b) Spectra-Physics, Inc., (c) Spectra-Physics Analytical, or (d) Spectra-Physics GmbH.
2. The acquisition, custody, and maintainance of documents relating to capillary electrophoresis or capillary electrophoresis instruments prepared for or by each of the following companies: (a) Thermo Separation Products, (b) Thermo Electron Corporation, (c) Spectra-Physics, Inc., (d) Spectra-Physics Analytical, or (e) Spectra-Physics GmbH, including but not limited to laboratory notebooks, research- and development-related documents, and sales- and marketing-related documents.
3. The identity of three Thermo employees or former employees most knowledgeable about the subject matter of the foregoing categories.
4. The nature, existence, and location of documents (including electronic documents) relating to the subject matter of the foregoing categories.
5. The Bates number of documents sufficient to corroborate the testimony on Topic Nos. 1-2.

**CERTIFICATE OF SERVICE**

I, Adam W. Poff, Esquire, hereby certify that on January 5, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

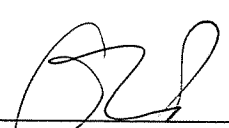
Frederick L. Cottrell, III, Esquire  
Steve Fineman, Esquire  
RICHARDS, LAYTON & FINGER  
One Rodney Square  
Wilmington, Delaware 19801

I further certify that on January 5, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

**BY FEDERAL EXPRESS**

Wayne L. Stoner, Esquire  
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